

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

AZIZA VAFOKULOVA, Indv. and as Admin. of the Estate of  
BAHTIYOR VAFOKULOVA, at al.

(b) County of Residence of First Listed Plaintiff Philadelphia County PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Raymond M. Bily, Esquire - Reiff and Bily  
1211 Walnut Street, 3rd Fl., Phila., PA 19107  
(215) 246-9000

**DEFENDANTS**

JESSE VEGA LAURENCIO, et al.

County of Residence of First Listed Defendant Mecklenburg County NC  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1332

Brief description of cause:

Motor vehicle accident resulting in death.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

Honorable Michael M. Baylson

DOCKET NUMBER 17-2605 (MMB)

DATE

09/15/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: A. Vafokulova - 1811 Rhawn St., Phila. Pa 19111

Address of Defendant: J. Laurencio - 301 Heritage Lake Dr. - Charlotte, NC 28262

Place of Accident, Incident or Transaction: Y. Suarez - 110827 Mountain Spring Dr. - Charlotte, NC 28278

Accident occurred in Manning, SC - Interstate 95 near Exit 119  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 17-2605-MMB Judge Michael M. Baylson Date Terminated: N/A

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) \_\_\_\_\_
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

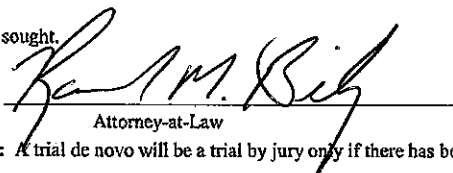
(Check Appropriate Category)

I, Raymond M. Bily, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 9/15/17

  
Attorney-at-Law

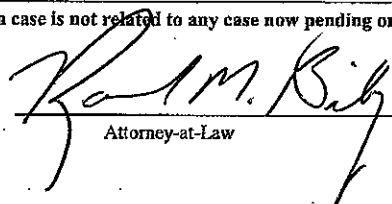
44677

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/15/17

  
Attorney-at-Law

44677

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

AZIZA VAFOKULOVA, et al.

v.

JESSE VEGA LAURENCIO, et al.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>9/15/17</u>	<u>Raymond M. Bily, Esq.</u>	<u>Plaintiffs</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>215-246-9000</u>	<u>215-246-9021</u>	<u>rbily@reiffandbily.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>



## **PARTIES**

### ***Plaintiffs***

1. Plaintiff, Aziza Vafokulova, Administratrix of the Estate of Bahtiyor Vafokulova, deceased by appointment of Letters of Administration, No. A4381-2016, issued by the Register of Wills of Philadelphia County on November 18, 2016, is a citizen and resident of the Commonwealth of Pennsylvania, residing at 1811 Rhawn Street, Apt. #410, Philadelphia, PA 19111.

2. The Plaintiff's decedent, Bahtiyor Vafokulova, left surviving him the following persons:

(a) Wife, Aziza Vafokulova of 1810 Rhawn Street, Apt #410, Philadelphia, PA 19111, Age: 31

(b) Son, Jose Vafokulova, Age: 10

(c) Daughter, Regina Vafokulova, Age: 5

There has been no action brought by the decedent in his lifetime upon the allegations of the Complaint.

### ***Defendants***

3. Defendant, Jesse Vega Laurencio ("Defendant driver"), is an adult individual who resides at the above captioned address and is a citizen of the State of North Carolina.

4. Defendant, Yaniel Cajigal Suarez, is an adult individual and carrier who resides at the above-captioned address, and is a citizen of the State of North Carolina.

5. At all times pertinent, Defendant Yaniel Cajigal Suarez's USDOT # was 02189357.

6. At all times pertinent, Defendant, Yaniel Cajigal Suarez, was doing business as YL Express.

7. At all times pertinent, Defendant Yaniel Cajigal Suarez acted individually, and through his agents, servants, employees, contractors and drivers including, Defendant, Jesse Vega Laurencio.

### **STATEMENT OF JURISDICTION**

8. Jurisdiction is proper in the United States District Court pursuant to 28 U.S.C. § 1332.

9. Defendant, Jesse Vega Laurencio, and Defendant, Yaniel Cajigal Suarez, are both citizens of the State of North Carolina and regularly conduct business in the Commonwealth of Pennsylvania including picking up and transporting general freight from origins and entities in the Commonwealth of Pennsylvania. At the time of the accident, Defendants were transporting freight picked up from a place of origin in the Commonwealth of Pennsylvania, hauling it through South Carolina en route to Florida.

### **BACKGROUND FACTS**

10. On or about 12:00 a.m. on August 19, 2016, Defendant Driver was transporting freight, including freight that was transported from an entity or entities originating in the Commonwealth of Pennsylvania when the tractor-trailer encountered

mechanical difficulty. At this time, the Defendant driver parked the tractor-trailer on the shoulder of southbound Interstate 95, at or near Exit 119 in Manning, South Carolina.

11. It is believed and therefore averred the mechanical difficulty included, failure of a worn serpentine belt which is easily discoverable and repairable through timely routine inspection and maintenance.

12. At all relevant times, the Defendant driver and Defendant trucking company had a duty to make routine maintenance inspections and to repair and replace worn parts including the tractor's serpentine belt.

13. The location that Defendant driver parked his tractor-trailer was immediately adjacent to the southbound travel lanes of Interstate 95, at or near Exit 119 in Manning, South Carolina.

14. At the time that Defendant driver parked his tractor-trailer, there were numerous towing companies with the ability to tow Defendant driver's tractor-trailer from the highway shoulder to a secure and safe location.

15. At the time, the Defendant driver parked the tractor-trailer, towing companies were available to immediately respond to a call for towing assistance and to retrieve the Defendant driver's tractor-trailer within one hour.

16. At the time that the tractor-trailer was parked adjacent to the southbound travel lanes of Interstate 95 in Manning, SC, the Defendant driver and the Defendant trucking company had a duty to park the tractor-trailer in a safe position, to avoid

creating a dangerous and hazardous condition for other motor vehicles traveling along Interstate 95.

17. After Defendant driver parked the tractor-trailer adjacent to the travel lanes of southbound Interstate 95 he failed to make arrangements for removal of the tractor-trailer to a safe location, and instead left the scene and proceeded to a nearby hotel.

18. At the time, the tractor-trailer had mechanical difficulties, Defendant Yaniel Cajigal Suarez did not instruct or direct Defendant Laurencio to obtain available towing assistance.

19. On or about 5 a.m. on August 19, 2016, the tractor-trailer that was parked in an unsafe location and unattended by the Defendants, was struck by a tractor-trailer operated by Arthur Williams in which Plaintiff's decedent was occupying the sleeper berth of the tractor-trailer.

20. At the time of the collision, the force of the crash ejected Plaintiff's Decedent from the tractor-trailer's sleeper berth.

21. At the time of the collision, a 55-gallon drum being hauled by the tractor-trailer operated by Arthur Williams was also ejected and landed on Plaintiff's Decedent's head, resulting in his death.

22. At the aforementioned time and place Defendant Laurencio was acting as an employee, agent and servant of Defendant Yaniel Cajigal Suarez acting within the course and scope of agency, servantcy and employment.

23. Accordingly, the Defendant Yaniel Cajigal Suarez is vicariously liable for the Defendant Laurencio's negligence and recklessness.

24. At all times pertinent, the Defendants knew or should have known of the responsibility to maintain and repair the tractor-trailer to prevent a risk of harm to other motor vehicles.

25. At all times pertinent, Defendants knew or should have known there were towing services readily available to remove a tractor-trailer.

26. At all times pertinent, the Defendants knew or should have known that leaving a tractor-trailer parked adjacent to the travel lanes of southbound Interstate 95 for an extended period created a risk of harm to other persons and motor vehicles traveling the highway.

27. At all times pertinent, the Defendant s actions were negligent, careless, reckless and outrageous and a conscious disregard of the known risk of harm to Plaintiff's decedent and to other motor vehicles traveling the highway.

## COUNT I

### WRONGFUL DEATH

#### *Plaintiffs v. Defendants*

28. Plaintiffs incorporate by reference the allegations set forth in paragraphs 1 through 27, as though they were fully set forth at length herein.

29. Plaintiff, Aziza Vafokulova, individually and as Administratrix of the Estate of Bahtiyor Vafokulova, deceased brings this action on behalf of the survivors of

the decedent, under and by virtue of the Pennsylvania Wrongful Death Act, 42 Pa.C.S.A. §8301.

30. Plaintiffs claim damage for pecuniary loss suffered by decedent's survivors due to the wrongful death of Bahtiyor Vafokulova, as well as reimbursement for medical bills, funeral and internment expenses, and administration expenses incurred therewith.

31. Because of the wrongful death of Bahtiyor Vafokulova, his minor children have been deprived of the guidance, love, tutelage, companionship, support, comfort, and society which they would have received from him for the remainder of his life.

WHEREFORE, Plaintiffs respectfully demand judgment in their favor, and against Defendants, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of costs and interest, together with punitive damages, costs and whatsoever other relief that this Honorable Court deems just and appropriate under the circumstances.

**COUNT II**  
**SURVIVAL ACTION**  
*Plaintiffs v. Defendants*

32. Plaintiffs incorporate by reference the allegations set forth in paragraphs 1 through 31, as though they were fully set forth at length herein.

33. Plaintiff, Aziza Vafokulova, Administratrix of the Estate of Bahtiyor Vafokulova, deceased, brings this action to recover damages to the estate of the decedent, under and by virtue of 42 Pa.C.S.A. §8302.

34. Because of the death of Bahtiyor Vafokulova, his estate has been deprived of the economic value of his life expectancy, and Plaintiffs claim damage for the pecuniary loss caused by his death.

35. Plaintiffs claim on behalf of the estate of the decedent damages for the conscious pain and suffering and mental anguish undergone by Plaintiffs' decedent from the accident to the date and time of his death.

36. As a result of the untimely death of the decedent, Plaintiffs claim of the Defendants an additional sum for the psychic value of the expectancy and employment of the life of the decedent which was terminated by reason of his death.

37. As a result of the untimely death of the decedent, Plaintiffs claim damages for the expenses incurred by the decedent for medical attention and treatment and for funeral, burial and other expenses incurred in connection therewith.

38. Plaintiffs claim damages for the loss suffered by the decedent of the prospective happiness and the enjoyment and pleasures of life which Plaintiffs' decedent would have had during the remainder of his natural life which was terminated by his death.

WHEREFORE, Plaintiffs respectfully demand judgment in their favor, and against Defendants, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of costs and interest, together with punitive damages, costs and whatsoever other relief that this Honorable Court deems just and appropriate under the circumstances.

**COUNT III**  
**Negligence**

39. Plaintiffs incorporate by reference the allegations set forth in paragraphs 1 through 38, as though they were fully set forth at length herein.

40. The Defendants negligently and recklessly breached the duty to ensure the safe and reasonable operation of a commercial motor vehicle for the safety of the public.

41. The Defendants negligently and recklessly breached the duty not to park a tractor-trailer in a location that would pose a danger to other motor vehicles traveling the highway.

42. The Defendants negligently and recklessly breached the duty to inspect and maintain a commercial motor vehicle so to prevent mechanical failures, belt failure and breakdown.

43. The Defendants negligently and recklessly breached the duty to act and have a tractor-trailer towed and removed from an unsafe location creating a risk to other motor vehicles traveling the highway.

44. The Defendants negligently and recklessly breached the duty to make reasonable inquiry to determine the availability of towing assistance that was readily available to remove the tractor-trailer to a safe location in such a timeframe to avoid a collision with the tractor-trailer being operated by Arthur Williams.

45. The Defendants were also negligent, careless and reckless for:

- a. Failing to maintain the tractor-trailer to avoid mechanical failure;

- b. Failing to maintain the tractor-trailer to avoid belt failure;
- c. Failing to properly inspect the tractor-trailer for parts in danger of failure including a serpentine belt;
- d. Failing to remove a tractor-trailer from an unsafe location;
- e. Failing to obtain towing services and assistance in a timely manner;
- f. Operating a tractor-trailer in a poorly maintained condition; and
- g. Leaving the tractor-trailer in an unsafe location for an extended time.

46. The aforementioned negligence and recklessness directly and proximately caused and resulted in the death of Plaintiff's decedent Bahtiyor Vafokulova.

WHEREFORE, Plaintiffs respectfully demand judgment in their favor, and against Defendant Driver, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of costs and interest, together with punitive damages, costs and whatsoever other relief that this Honorable Court deems just and appropriate under the circumstances.

#### COUNT IV

*Plaintiff, Aziza Vafokulova v. Defendants*

47. Plaintiffs incorporate by reference paragraphs 1 through 46 of this Complaint as if same were fully set forth herein.

48. Plaintiff, Aziza Vafokulova avers that she is the wife of Decedent, Bahtiyor


Vafokulova, and by reason of the aforesaid, she has been deprived of the companionship, services, comfort and consortium of her husband, Bahtiyor Vafokulova, all to her great detriment and loss.

WHEREFORE, Plaintiffs respectfully demand judgment in their favor, and against Defendants, in an amount in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of costs and interest, together with punitive damages, costs and whatsoever other relief that this Honorable Court deems just and appropriate under the circumstances.

Respectfully Submitted,

REIFF AND BILY,

By:

  
Raymond M. Bily, Esquire

By:

/s/ Wade Suthard  
Wade Suthard, Esquire  
*Attorneys for: Plaintiffs*

Date: September 15, 2017